



Austin City Council MINUTES

For DECEMBER 11, 1986 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Cooksey.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, approved minutes for regular meetings of November 20, 1986 and December 4, 1986, and special meetings of December 3, 1986. (6-0 Vote, Mayor Cooksey absent.)

CITIZEN COMMUNICATIONS

Ms. Pat Goddard discussed the Nuckols Crossing Waste Treatment Site with regard to water filtering.

Ms. Judy R. Jonas withdrew her request to speak.

OLD BUSINESS - ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, amended Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Mayor Cooksey absent, Councilmember Rose out of the room)

DONALD D. REYNOLDS, 10307 RM 2222
TRS.
By Richardson
Verdoorn, Inc,
C14r-84-471

From Interim "SF-2"
to "IO"

Second and third readings. First reading on June 5, 1986, (6-0). Councilmember George Humphrey absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit to the ordinance.

DENNIS & LAURIE
ROMIG
C14-85-288.77

8539 Thunderbird
Road

From Interim "SF-2"
to "LO"

Second and third readings. First reading on
April 16, 1986, (5-0). Mayor Pro Tem John Trevino, Jr.
and Councilmember George Humphrey absent. Conditions
have been met as follows: Restrictive covenant incor-
porating conditions imposed by Council has been executed.

LANDMARK FORD
By Bury & Pittman
C14r-85-047

11514 Research
Boulevard

From "LO" and
Interim "SF-2"
to "GR"

Second and third readings. First reading on
July 31, 1986, (7-0). Conditions have been met as
follows: Development restricted to that shown on site
plan attached as Exhibit to the ordinance.

STANLEY J. WILLIAMS
By John Joseph
C14r-86-196

2410 East Riverside
Drive

From "GR" to "CS"

Second and third readings. First reading on
October 23, 1986, (7-0). Conditions have been met as
follows: Development restricted to that shown on site
plan attached as Exhibit to the ordinance.

CROW-GOTTESMAN-SHAFER
LIMITED PARTNERSHIP
By Gail Temple
C14r-86-109A

Westgate Boulevard
(proposed), south
of Loop 360 and west
of U.S. Highway 290

From "SF-2" to
"MF-2", "GO"
& "LO"

Second and third readings. First reading on
October 9, 1986, (5-0). Councilmember Mark Rose
abstained and Councilmember Charles Urdy out of room
at roll call. Conditions have been met as follows:
Development restricted to that shown on site plan
attached as an Exhibit to the ordinance. Restrictive
covenant incorporating conditions imposed by Council
has been executed.

CROW-GOTTESMAN-SHAFER
LIMITED PARTNERSHIP
By Gail Temple
C14r-86-109B

Westgate Boulevard
(proposed), south
of Loop 360 and west
of U.S. Highway 290

From "SF-2" to
"GO"

Second and third readings. First reading on
October 9, 1986, (5-0). Councilmember Mark Rose
abstained and Councilmember Charles Urdy out of room
at roll call. Conditions have been met as follows:

Development restricted to that shown on site plan attached as an Exhibit to the ordinance. Restrictive covenant incorporating conditions imposed by Council has been executed.

CROW-GOTTESMAN-SHAFER LIMITED PARTNERSHIP By Gail Temple C14r-86-109C	Westgate Boulevard (proposed), south of Loop 360 and west of U.S. Highway 290	From "SF-2" to "MF-2 & "LO"
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Second and third readings. First reading on October 9, 1986, (5-0). Councilmember Mark Rose abstained and Councilmember Charles Urdy out of room at roll call. Conditions have been met as follows: Development restricted to that shown on site plan attached as an Exhibit to the ordinance. Restrictive covenant incorporating conditions imposed by Council has been executed.

RUTH BOUNOUS by Kent Ferguson C14-85-323	4325 James Casey Street	From "SF-1" to "LO"
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Second and third readings. First reading on January 9, 1986, (6-0). Mayor Pro Tem John Trevino, Jr. absent. Conditions have been met as follows: Right-of-way on James Casey Street has been dedicated by Street Deed. Letter of Credit has been posted.

JAMES CASEY VENTURE I By Kent Ferguson C14-85-268	4301 James Casey Street	From "SF-3" to "LO"
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Second and third readings. First reading on November 7, 1985, (6-0). Councilmember Mark Rose absent. Conditions have been met as follows: Right-of-way on James Casey Street has been dedicated by Street Deed. Letter of Credit has been posted.

AUSTIN'S COLONY JOINT VENTURE By Graves, Dougherty Hearon & Moody C14-86-053	Hunters Bend Road and FM 969	From "DR" to "SF-4A"
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Second and third readings. First reading on June 5, 1986, (6-0). Councilmember George Humphrey absent. Conditions have been met as follows: Right-of-way is already in place.

- (13) STEVE R. SCOTT 4508 Hwy. 183 South From Interim
By Minter, Joseph and "SF-2" to
Thornhill "CS"
C14r-85-308

(emergency passage of ordinance)

Second and third readings. First reading on December 19, 1985, (6-0). Councilmember Smoot Carl-Mitchell absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as an Exhibit to the ordinance. Right-of-way acquired via C.I.P. project.

- (14) IVA BELL FLEMING 1912 West 35th From "LO" to
By Donna Kristaponis Street "LR"
C14-86-091

Second and third readings. First reading on July 31, 1986, (5-0). Councilmembers Mark Rose and Charles Urdy out of room at roll call. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

- (15) NATIONAL CONVENIENCE 11201-11211 I.H. 35, From "SF-2" to
STORES 2101-2105 Boca "LR"
By Kent Ferguson Raton
C14r-86-074

Second and third readings. First reading on October 23, 1986, (7-0). Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit to the ordinance.

- (16) NORTHWOOD PLAZA 2900 West Anderson From "GR"
PARTNERS, LTD., JOE Lane to "CS-1"
FOSTER COMPANY
By Ambrust & Brown
C14-86-130

Second and third readings. First reading on November 13, 1986, (7-0). Conditions have been met as follows: Right-of-way on Anderson Lane has been dedicated by street deed. Restrictive covenant incorporating conditions imposed by Council has been executed.

- (17) HOBBY HORSE JOINT 11900-12000 Burnet From "GO"
VENTURE Road to "GR"
By Jack Morton
C14r-86-163

Second and third readings. First reading on October 8, 1986, (6-0). Mayor Frank C. Cooksey absent. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

(18) WEST PATTON, LTD. 7002 U.S. 290 West From Interim "RR" to "SF-6", "LR" and "GO"
By Aliece Minassian
C14-85-288

Second and third readings. First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

ITEM POSTPONED

Postponed until December 18, 1986 is consideration of second and third readings of the creation of a non-profit corporation for the purpose of developing and implementing a Parkland Acquisition Program; approving articles of incorporation; approving the initial bylaws thereof; and appointing the initial directors thereof.

Postponed to December 18, 1986 is consideration of the following zoning ordinances:

WSLA DEVELOPMENT CORP. 10500, 10600, 10602 From "SF-2" to
By Thomas J. Ellis 10704, 10706, 10900 "GR" & "CH"
C14r-86-118 Pecan Park Road

Third reading only. Second reading on November 6, 1986, (5-0). Mayor Frank C. Cooksey and Councilmember Smoot Carl-Mitchell absent. Conditions to be met as follows: Development restricted to that shown on site plan attached as Exhibit to the ordinance and restrictive covenant incorporating conditions imposed by Council has been executed. Right-of-way on R.M. 620 North and U.S. Highway 183 North has been dedicated by street deeds.

WSLA DEVELOPMENT CORP. 10501-12701 Pecan From "SF-2" & "DR" to "GR" & "GO"
By Thomas J. Ellis Park Road
C14r-86-119

Third reading only. Second reading on November 6, 1986, (5-0). Mayor Frank C. Cooksey and Councilmember Smoot Carl-Mitchell absent. Conditions to be met as follows: Development restricted to that shown on site plan attached as Exhibit to the ordinance and restrictive covenant incorporating conditions imposed by Council has been executed. Right-of-way on R.M. 620 North and U.S. Highway 183 North has been dedicated by street deeds.

ITEMS POSTPONED

Postponed until December 18, 1986 is consideration of the following:

1. Consider approval of a contract with Sargent & Lundy Engineers, for consultant services on the repowering potential of the Seaholm Power Plant in the amount of \$200,000.00.
 2. Consider approval of the transfer of \$5,000,000.00 from Alternate Energy Projects (SN 84/12-04) to Gas Turbine Generating Units (SN 85/12-04)
 3. Consider entering into a contract with Ebasco Services, Inc. for Engineering Consultant Services for the Power Plant Cyclic Operation Study in the amount of \$104,000.00.
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Postponed indefinitely is consideration of entering into a Pipe Line License Agreement with the Southern Pacific Transportation Company for placement of a forty eight (48") water transmission main line across SOPAC's (City of Austin) right-of-way near Loop 1 and Water's Park Road.

ZONING ORDINANCE

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following change: (5-0 Vote, Councilmember Rose out of the room, Mayor Cooksey absent.)

E.C. MOWDY
By Paul Scofield
C14-84-409

913 E. Braker Lane

From Interim "SF-2"
to "NO"

Heard and granted May 23, 1985, (7-0 Vote). No conditions to be met.

CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Mayor Cooksey absent.)

Contracts Approved

Approved the following contracts:

CBI NA-CON
P. O. Box 41146
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
East Austin Reservoir, Water
and Wastewater Utility Department
Total \$1,838,170.00 C.I.P. No.
73/22-26

GARNEY COMPANIES, INC.
12909 Dessau Road
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Research Boulevard Water
Transmission Main, Water and
Wastewater Utility Department
Total \$1,476,762.50 C.I.P. No.
82/22-16

EPA Construction Grant

Approved removal of the Special Condition #16 associated with the EPA construction grant for the South Austin Regional Wastewater Treatment Plant.

CARA

Approved amending and renewing the contract with CARA for the period from September 15, 1986 to September 14, 1987.

Travis County for Homecare Services

Approved amending and renewing the Interlocal Cooperation Agreement with Travis County for Homecare Services.

Contracts with City and Texas State Department of Health

Approved amending the following contracts between the City of Austin and the Texas State Department of Health:

- a. Attachment 7 totals \$123,608.00 for the counseling and investigation of sexually transmitted diseases.
- b. Attachment 8 transfers the supervision of a tuberculosis nurse from the State's Public Health Region 6 to Austin-Travis County Health Department.

Austin-Travis County Health Department Contracts

Approved amending and renewing contracts between the Austin-Travis County Health Department and the following:

- a. The Texas Medical Foundation for the period from October 1, 1986 to September 30, 1987.
- b. Dr. James McNabb and Dr. Sue Young for the period October 1, 1986 to September 30, 1987.

- c. Qualipharm for the period from October 1, 1986 to September 30, 1987.
- d. Austin Oral Surgery Society for the period of October 1, 1986 to September 30, 1987.
- e. Austin Urology Association for the period of October 1, 1986 to September 30, 1987.
- f. Neurosurgeons for the period of October 1, 1986 to September 30, 1987.

Surface and Ground Water Regimes

Renewed an agreement between the United States Geologic Survey of the Department of the Interior and the City of Austin for an investigation of the surface and ground water regimes (quality and quantity) in the Austin Metropolitan area.

Right-of-Way for Robert E. Lee Road

Approved a trade of City-owned surplus land for State-owned land needed for right-of-way for Robert E. Lee Road.

Old State Fish Hatchery Lands

Amended and extended the lease between the City of Austin and the State of Texas for the use of Old State Fish Hatchery lands off Barton Springs Road at Robert E. Lee Road for park and greenbelt purposes.

Youth Athletics Council

Approved revisions to the guidelines established for the Youth Athletics Council.

EMS

Authorized and approved a contract award for interlocal cooperation agreement for Professional Services for the development of Planning and Management Techniques for the Emergency Medical Services Department.

Public Hearings Set

Set public hearings on the following:

- a. Amending the Water and Wastewater Utility Service Area Amendment Ordinance (810820-B) to include areas served by the approved 1985 Water and Wastewater Revenue Bond Improvements: January 18, 1987 at 5:30 p.m.

- b. Amendments to the Austin Metropolitan Area Roadway Plan:
January 22, 1987 at 6:00 P.M.
- c. Amendments to the Zoning and Subdivision Ordinance to:
January 29, 1987 at 4:30 p.m.
 - (1) Eliminate the prohibition of small lot subdivisions on already subdivided land.
 - (2) Allow development of townhouses on minor residential streets in "SF-5" districts.
- d. Amending Chapter 13-2A (Revised Zoning Regulations) to regulate the use of private garages and the storage of inoperable vehicles on adjacent public right-of-way:
February 5, 1987 at 5:30 p.m.

FINANCIAL DISCLOSURE

Councilmember Shipman introduced an item to consider exempting the Citizen's Committee on State Land from reporting on financial disclosure.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, approved exempting the Citizen's Committee on State Land from reporting on financial disclosure. (4-0 Vote, Councilmember Rose and Carl-Mitchell out of the room. Mayor Cooksey absent.)

ANNEXATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving annexation of the following:

Approximately 2,194 acres of land out of the Santiago Del Valle Grant, Springfield Section 1, of the Viewpoint at Williamson Creek Phase 1, and Smith School Road, portions of Colton-Bluff Springs Road and Unplatted land, but delete the 40 acre tract. (6-0 Vote, Mayor Cooksey absent.)

CONTRACTS APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (6-0 Vote, Mayor Cooksey absent)

Clifford, Inc.
83 Main Street
Bethel, Vermont

- CAPITAL IMPROVEMENTS PROGRAM -
447 MFT of Overhead and Underground Communication
Cable, Urban Transportation Department
Items 1a-3d - \$247,548.07 C.I.P. No. 85/88-03

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the following contract: (6-0 Vote, Mayor Cooksey absent)

UNION METAL MFG. COMPANY
709 Longco, Suite 101
Richardson, Texas

- Street Light Poles, General Services
Department, Items 1-4 - \$87,000.00
87-0011-LR

DEMOLITION ORDER

Council had before them for action an ordinance concerning the Building Standards Commission demolition order on the accessory structure located at 3515 Webberville Road. (Six month review in which improvements were to be made.)

Motion - Died for Lack of Second

Councilmember Humphrey made a motion to accept the staff recommendation and demolish the structure in 30 days. There was no second.

Motion

Councilmember Urdy made a motion seconded by Councilmember Shipman to extend the time of the demolition order six months to the Friendship Baptist Church to either renew or demolish the building.

Councilmember Shipman said she was concerned about the City's liability in the meantime. Barney Knight, City Attorney, told her the City would not be liable for any accidents which might occur because of a condemned structure, but the City might have to spend \$100,000 in court to prove it if charges were filed.

Roll Call on Motion

7-0 Vote

ZONING OVERSIGHT COMMITTEE REPORT

Michael Curry gave the Zoning Oversight Committee Annual Report. Both Councilmembers Shipman and Rose said the committee should be renewed for another year and asked for an ordinance on next week's agenda to extend the committee to December 1987 with the same members.

ARTS FUNDING PROCESS REPORT

Jane Wells presented the Arts Funding Process Subcommittee Report.

ENTERPRISE ZONES

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, adopted a resolution concerning the development of enterprise zones. (6-0 Vote, Mayor Cooksey absent.)

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to discuss Pending Litigation - Section 2, Paragraph e.

Docket No. G.U.D. 5980 relating to Valero Natural Gas

RECESS

Council recessed for executive session from 3:40 p.m. to 4:07 p.m.

PUBLIC HEARINGS POSTPONED

Mayor Pro Tem Trevino announced the public hearings set for 6:00 p.m. and 6:30 p.m. would be postponed to January 29, 1987 at 6:00 p.m. and 6:15 p.m. They are Minority and Women Owned Business Procurement Ordinance; and Building Inspection Department internal audit.

PUBLIC HEARING - PREVIOUSLY ANNEXED LAND

Mayor Pro Tem Trevino opened the public hearing set for 3:30 p.m. on conversion of previously annexed land from interim to permanent zoning. Tracy Watson, OLDS, explained. No one else appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing and passed through first reading only an ordinance converting previously annexed land from interim to permanent zoning. (4-0 Vote, Councilmembers Humphrey, Rose out of the room. Mayor Cooksey absent.)

CONTRACT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution approving a financing contract for miscellaneous equipment requirements in the amount of \$15,070,472. (4-0 Vote, Councilmembers Humphrey and Rose out of the room, Mayor Cooksey absent.)

ZONING HEARINGS

Mayor Pro Tem Trevino announced Council would hear zoning cases scheduled for 4:00 p.m. Council heard, closed the public hearings and passed through either one or three readings on some cases and postponed one case. Action follows each case.

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|-----|-------------|---|--------------------------------|--|
| (1) | r-86
197 | SOEBURN O. CARTER
By Ambrust &
Brown | 1012 Slaughter Lane | From "SF-2"
To "LR"
RECOMMENDED (as amended)
<u>FIRST READING</u> |
| (2) | -86
211 | WESTENFIELD
DEVELOPMENT CO.
By Ambrust &
Brown | 2425-B Exposition
Boulevard | From "CS"
To "CS-1"
RECOMMENDED "CS-1" with
restrictive covenant
prohibiting on-site
consumption.
<u>FIRST READING</u> |

(On Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Councilmember Urdy out of the room, Mayor Cooksey absent.)

- | | | | | |
|-----|------------|---|--|---|
| (3) | -86
188 | LEXINGTON
DEVELOPMENT CO.
(North Travis
County MUDs
1,2,3)
By Robert A.
Moolman | 9700-10100 U.S. 290
East
8600-9500, 5700-6500
Boyce Lane
9700-1200 Giles Road
5200-5700 Cameron Rd. | From "DR"
To "SF-2", "SF-4",
"SF-6", "MF-2",
"MF-3", "LR",
"GR", "LO", "GO",
"LI", "IP", "P"
"RR"
RECOMMENDED "SF-2",
"SF-4", "SF-6", "MF-2",
"MF-3", "LR", "GR",
"GO", "LO", "LI", "IP",
& "P", (Table III),
subject to staff recom-
mendations excepting
conditions 1, 2, & 3
(these will be addressed
in consent agreement);
tracts A-5 and A-8
in consent agreement);
tracts A-5 and A-8
shall not be restricted
against retail use;
and subject to the
consent agreement
provisions for the
T.I.A. to determine
cost participation for
roadway improvements |
|-----|------------|---|--|---|

(4) -86 ROBERT J. WILSON, 9907 Anderson Mill
 215 TRUSTEE Road
 By Jean Bringol

From "DR"
 To Tr. 1 "SF-2",
 Tr. 2 "MF-2",
 Tr. 3 "SF-6"

RECOMMENDED (as amend-
 ed) subject to retire-
 ment housing use only;
 strict adherence to
 Compatibility Stan-
 dards; DRAINAGE PLANS,
 and the provision of
 street access to
 eastern property line
 via the proposed ex-
 tension of Greenhill
 Drive. Waiver from
 Northwest Plan density
 restrictions included
 as part of motion.

FIRST READING

(On Councilmember Carl-Mitchell's motion, Councilmember Rose's second,
 5-0 Vote, Councilmember Urdy out of room, Mayor Cooksey absent.)

(5) -86 HELEN FENDER 614 E. Oltorf
 231 AREND Street
 By William Clarke
 Howard

From "LR"
 To "GR"
 RECOMMENDED (as amend-
 ed) grant "GR" subject
 to restaurant use only
 and "LR" development
 regulations as well
 as dedication of up to
 45' of right-of-way
 from the center line
 of East Oltorf Street.

EMERGENCY PASSAGE OF ORDINANCE
 DELETE RIGHT-OF-WAY REQUIREMENT

Motion

Councilmember Shipman made a motion, seconded by Councilmember
 Rose to approve. Motion passed by a 5-0 Vote, Councilmember Urdy out
 of the room, Mayor Cooksey absent.)

Motion to Reconsider

Councilmember Rose made a motion, seconded by Mayor Pro Tem
 Trevino to reconsider. Motion passed by a vote of 4-0 with Councilmember
 Humphrey and Shipman out of the room, Mayor Cooksey absent.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed, as an emergency, an ordinance to include deleting the right-of-way requirement. (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent.)

SITE PLANAS CONDITION OF ZONING

a. Recommended by the Planning Commission, As Requested:

(1) r-85	LARRY PEEL 091 By Kristaponis, Gregory & Assoc.	5331 Mesa Drive, also bounded by Dry Creek Drive	Park West Condominiums, 148 units Existing Zoning "I-RR" Pending Zoning "SF-6" RECOMMENDED <u>ORDINANCE PASSAGE</u> <u>PLANNING COMMISSION</u> <u>RECOMMENDATION, SITE PLAN</u> <u>APPROVED SUBJECT TO</u> <u>DEPARTMENT RECOMMENDATION</u> <u>AND ORDINANCES</u>
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Prior to the beginning of the hearing of this case, Councilmember Rose made the following statement: "When this case was originally heard by the Council on first reading in July of 1985 we were operating under what is now the old Ethics Ordinance. In September of this year a new Ethics Ordinance came into effect. It has been called to my attention that there is a clause or provision in the Ethics Ordinance that the City Attorney, in his opinion, will prevent me from voting on this case. Without speaking to the merits of the case...let me say I frankly believe this is a section of the ordinance that we are going to need to change, but nevertheless in the opinion of the City Attorney I should not be able to vote. The specific provision is that a 'City official or employee may not participate in a vote or a decision on a matter affecting a person, entity or property in which the official has a substantial interest'. This case is very close to my house, in which obviously I have a substantial interest in and it is, at least today, valued at more than \$5,000.00. The second clause which catches me is that, 'and affected in the case of a person or property means reasonably likely to be subject to a direct economic effect or consequence, either positive or negative as a result of the vote or decision in question'. Which means the question would be would the vote on this case have a direct economic benefit whether it be positive or negative. What concerns me and concerned Jonathan Davis and Barney Knight can amplify this, the following clause which says, 'the vote or decision need not be the only producing cause of the economic effect or consequence reasonably likely to result in determining whether a person, entity or property is or was affected by a vote or decision it shall not be necessary to prove the

actual existence or occurrence of an economic effect or consequence if such effect or consequence would be reasonably expected to exist to occur'. What this means is, even though I am well outside the 300' notification, just because somebody believes that I am in the neighborhood, and I voted on this case, then in my opinion, they could come down and file a claim on me and therefore, I cannot and will not vote on the matter. I think that needs to be changed, although this is in my neighborhood and when they did the appraisal on my house they did take samples from the general area. I frankly think there needs to be some type of distance or further definition other than just Councilmembers being held out with, 'well, it's in the neighborhood and it could have affected the value of your property, I don't have to prove it I can just think that and file a claim'. And, based on that, I am not going to be able to vote on this case." Councilmember Rose then asked Barney Knight, City Attorney to discuss this.

Mr. Knight stated, "I can't amplify on that, you did an excellent job, Mr. Rose. The language is very broad and exposes members of Council to criticism, if you will, under very vague circumstances and I don't know that I can amplify on that language and be any more specific than the language itself. It is very broad. When somebody can make an allegation and then does not have to establish that there was any economic impact one way or the other...that's awfully broad."

Speakers at the zoning hearing were Donna Kristaponis, Larry Peel, Ruth Chang, Shirl Cook, Harold Burnet, Margie Gentry, Drew West, Irene Friedney, Gordon Hanson, John Johnson and Naomi Lattrel.

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Rose abstained and Mayor Cooksey absent.)

RECESS

Council recessed from 6:10 p.m. to 6:40 p.m.

PUBLIC HEARING - DEDICATION OF EASEMENTS

Mayor Pro Tem Trevino opened the public hearing on dedication of easements. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance as follows: (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent.)

Dedication of (a) a twenty foot (20') Sanitary Sewer Easement along with a thirty-five foot (35') Temporary Construction Easement, (b) a fifteen foot (15') Access Easement in connection with the Onion and Boggy Creek Wastewater Interceptors; and (c) a thirty foot (30') and seventy foot (70') temporary easements for South Municipal District across Onion Creek Greenbelt.

PUBLIC HEARING - APPEAL

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on an appeal from Mr. George Villalva of the denial of a Waterway development Permit No. 86-09-4834 for Capital Metro bus operations and maintenance facility expansion located at 505 East Valley Road. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, closed the public hearing and upheld the appeal. (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent.)

HEARING POSTPONED

The applicant requested postponement of the 5:00 p.m. public hearing on amending the Water and Wastewater Service Area Ordinance No. 810820-B to include property known as Westview on Lake Austin, Phase B.

PUBLIC HEARING - AIDS ORDINANCE

Mayor Pro Tem Trevino opened the public hearing on the AIDS Anti-Discrimination Ordinance. The following people spoke: Dr. Charles Alexander Mike Anzalone, Karin Bonicaro, Barbara Cilley, John Darrouzet, Terry Delzeit, Tom Doyal, Bill Foster, Howard Funchess, Margie Gentry, Trudell Green, Jack D. Heacock, Sam Hoerster III, Steve Hosford, Jim Harrington, Charles Jones, Robert LaCoste, Lavoy Lambert, Linda Larson, Glen Maxey, Nick Neckel, Mary Mobley, Steve Oncken, Rev. George Price, Jim Perdue, Dennis Scroggins, Lori Simpson, Bob Simpson, Dr. Tom Smith, David Sodke, Caroline Scott, Rev. Scottie Shelton, Frank Stenger, Hank Thompson, Ramona Thompson, Dan Rawlins, Virginia Raymond, Emily Untermeyer, Jim Webster, Diana Webster, Rebeca Winters, William Womack, Joanna Zumbrum, Phil Zyblot.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an AIDS Anti-Discrimination Ordinance. (6-0 Vote, Mayor Cooksey absent.)

ACTION POSTPONED

Postponed to January 22, 1986 at 5:30 p.m. is action on denial of license agreement to allow the encroachment of a rock wall and fence, rock driveway, electric gates and light standards into the public right-of-way at 1304 Alta Vista.

ADJOURNMENT

Council adjourned its meeting at 9:32 p.m.